IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 7792 of 2004(C)

PETITIONERS:

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1. **THE MALABAR SAW MILLS ASSOCIATION,**
   KALLAI, KOZHIKODE, REPRESENTED BY ITS SECRETARY,
   P.BABU RAJ, S/O. ACHUTHAN, AGED 53,
   RESIDING AT MANKAVU, KOZHIKODE.

2. **AMINALI SAW MILL,**
   15/1502 PALLIKANDI, CALICUT, REPRESENTED BY ITS
   OCCUPIER AMINABI.

BY ADV. SRI.T.SETHUMADHAVAN,
SRI.PUSHPARAJAN KODOTH.

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY THE CHIEF SECRETARY,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **DIRECTOR OF FACTORIES & BOILERS,**
   T.C.25/3326, SNEMI MANZIL, EAST GATE OF DIST.COURT
   VANCHIYOOR, THIRUVANANTHAPURAM.

3. **JOINT DIRECTOR OF FACTORIES & BOILERS,**
   CIVIL STATION, KOZHIKODE.

4. **INSPECTOR OF FACTORIES & BOILERS GR.II,**
   KOZHIKODE NORTH.

W.P.(C). NO.7792/2004:

5. SECRETARY,
FOREST & WILD LIFE DEPARTMENT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.7792/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LICENCE OBTAINED BY P.2. FIRM DT. NIL.

EXT.P.2: COPIES OF APPLICATION FOR RENEWAL OF LICENCE WITH CHELLAN RECEIPTS (3NOS.) DT. NIL.

EXT.P.3: COPY OF THE ORDER DTD. 16/07/1998.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) NO.7792 OF 2004

DATED 7th JUNE, 2007.

J U D G M E N T

The issue raised in this writ petition pertains to the dispute on the functioning of the wood based industries in the territory of the forest within 5 Kms. A Division Bench of this Court in W.A.No.1593/1999 has considered the matter wherein it has been held that there is no such restriction regarding the functioning of such industries within the radius of 5 Kms. from the reserve forest. The impugned orders are hence quashed. The respondents will do the needful within a period of four months. However, I make it clear that the judgment shall not stand in the way of the respondents taking any action against the petitioners in case they are involved in any forest offence.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

OP NO. 2

tgs

KURIAN JOSEPH, J

O.P.NO. OF 2001

J U D G M E N T

DATED 9TH MARCH, 2006.